

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

EDDIE L. FOREMAN, JR.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:05-CV-1134-WKW
)	
SHERIFF JAY JONES, et.al.,)	
)	
Defendant.)	

ANSWER

COME NOW Sheriff Jay Jones, Major Cary Torbert, Jr., and Lieutenant Ray Roberson, Defendants in the above-styled cause, and answer the Plaintiff's Complaint as follows:

Answer

The Defendants in this action deny each and every allegation made by the Plaintiff, Eddie L. Foreman, Jr., and demand strict proof thereof. The Defendants deny that they acted, or caused anyone to act, in such a manner so as to deprive the Plaintiff of his constitutional rights.

Affirmative Defenses

1. The Plaintiff's Complaint, separately and severally, fails to state a claim upon which relief may be granted.

2. The Defendants in this action, in their individual capacities, are entitled to qualified immunity from the Plaintiff's claims.

3. The Defendants in this matter, in their official capacities, are entitled to absolute immunity from the Plaintiff's claims pursuant to the Eleventh Amendment to the United States Constitution.

4. Defendants in their official capacities are not "persons" under 42 U.S.C. § 1983.

5. The Plaintiff's claims are barred by the Prison Litigation Reform Act.

6. Plaintiff fails to allege any affirmative causal link between the alleged acts of Defendants and any alleged constitutional deprivation or Defendants' direct participation in any alleged constitutional violation.

7. Defendants are not liable based upon *respondeat superior* theories of liability.

8. The Plaintiff cannot prove a violation of his rights under the Eighth or Fourteenth Amendments to the United States Constitution.

9. Defendants were not deliberately indifferent in any respect.

Respectfully submitted this 30th day of January, 2006.

s/Amanda Kay Morgan
AMANDA KAY MORGAN Bar No. ALL079
Attorney for Defendants
WEBB & ELEY, P.C.
7475 Halcyon Pointe Drive (36117)
Post Office Box 240909
Montgomery, Alabama 36124
Telephone: (334) 262-1850
Fax: (334) 262-1889
E-mail: amorgan@webbeley.com

CERTIFICATE OF SERVICE

I hereby certify that on this the 30th day of January, 2006, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and that I have mailed a true and correct copy of the foregoing by United States Mail, postage prepaid, to the following non-CM/ECF participant:

Eddie L. Foreman, Jr.
Tallapoosa County Jail
316 Industrial Park Dr.
Dadeville, AL 36853

s/Amanda Kay Morgan
OF COUNSEL